

Exhibit A



fisherphillips.com

April 26, 2017

Las Vegas
300 S. Fourth Street
Suite 1500
Las Vegas, NV 89101

(702) 252-3131 Tel
(702) 252-7411 Fax

Writer's Direct Dial:
(702) 862-3804

Writer's E-mail:
mricciardi@fisherphillips.com

Via Facsimile & U.S. Mail

Cornele A. Overstreet
Regional Director, Region 28
National Labor Relations Board
2600 North Central Avenue, Suite 1400
Phoenix, AZ 85004-3019
Facsimile: (602) 640-2178

Re: *Caesars Entertainment d/b/a Rio All-Suites Hotel and Casino*
Case No. 28-CA-060841 / Our File No. 28100.0146

Dear Mr. Overstreet:

I am writing in response to your letter of April 21, 2017. You stated that you have recommended enforcement proceedings be instituted in this case. It would be fundamentally unfair to seek enforcement before the employer has the legal right to seek judicial review.

As you know, pursuant to Section 10(f) of the Act, until there is a final order of the Board, the employer has no ability to seek judicial review in the United States Court of Appeals. Because this case involves one charge and one complaint, I do not understand how the Board can unilaterally sever one part of the case and expect the Court of Appeals to consider the remaining portion of the case to be a "final order." As the Seventh Circuit observed in *Augusta Bakery Corporation vs. NLRB*, 846 F.2d 455 (1988), "[a]n order of a tribunal, judicial or administrative, disposing of some but not all of the claim is not 'final'." The Court went on to observe that Fed. R. Civ. P. 54(b) permits a District Court to facilitate an earlier appeal by entering a partial final judgment. However, I (and the *Augusta* Court) are not aware of any similar language in the Act or in the Board's rules permitting the Board to unilaterally sever part of a single case and create a final order out of the remainder.

I have asked your Regional Office several times, including in writing, to please forward to me the legal authority that empowers the Board to designate just part of a case as a final order. I have not received any written response. I think it would be helpful and make for a more efficient use of the Board's, the employer's, and the Appellate Court's time and resources to forward such to my attention so that I may discuss it with my client before you institute enforcement proceedings.

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Even if the order were considered final by the Court of Appeals, it seems fundamentally unfair to require my client to potentially post two separate notices, both involving handbook rules. Furthermore, subjecting the employer to the possibility of needing to reprint its handbook twice or to distribute to employees letters with rescission and possibly new rule language twice is burdensome and oppressive.

Thank you for your consideration of this request. I will be happy to discuss this matter with you at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Ricciardi", with a long, sweeping horizontal line extending to the right.

Mark J. Ricciardi, Esq.
Regional Managing Partner
For FISHER & PHILLIPS LLP

MJR:es

cc: Gary Shinnars, Executive Secretary